

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLERA CORPORATION, MDS INC.,
and APPLIED BIOSYSTEMS/MDS SCIEX
INSTRUMENTS,

Plaintiffs,

v.

THERMO ELECTRON CORPORATION,

Defendant.

C.A. No. 04-1230-GMS

THERMO FINNIGAN LLC,

Plaintiff,

v.

APPLERA CORPORATION, MDS INC.,
and APPLIED BIOSYSTEMS/MDS SCIEX
INSTRUMENTS,

Defendants.

C.A. No. 05-110-GMS

**AB/SCIEX'S MOTION FOR REARGUMENT
OF THE COURT'S DECISION
TO STAY CIVIL ACTION NO. 04-1230-GMS**

Applera Corporation, MDS Inc., and Applied Biosystems/MDS Sciex Instruments (collectively, "AB/Sciex") respectfully move this Court, pursuant to Local Rule 7.1.5, to:

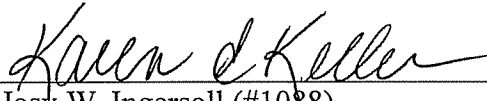
- (1) grant reargument of the Court's December 28, 2005 Order (D.I. 65 in C.A. No. 05-110) (the "Order") to stay Civil Action No. 04-1230-GMS (the "04-1230 action"); and
- (2) vacate the stay of the 04-1230 action, but not the stay of Civil Action No. 05-110-GMS. The grounds for this motion are fully set forth in the accompanying brief filed herewith.

Pursuant to Local Rule 7.1.1, AB/Sciex certify that they have contacted counsel for Thermo Electron Corporation and Thermo Finnigan LLC (collectively, "Thermo") in an attempt to reach agreement on the matters set forth in the motion. Thermo's counsel has advised AB/Sciex's counsel that they oppose AB/Sciex's motion.

Respectfully submitted,

Dated: January 12, 2006

YOUNG CONAWAY STARGATT &
TAYLOR, LLP



Josy W. Ingersoll (#1088)

Karen E. Keller (#4489)

The Brandywine Building

1000 West Street, 17th Floor

P.O. Box 391

Wilmington, DE 19899-0391

(302) 571-6600

*Attorneys for Applera Corp., MDS, Inc., and
Applied Biosystems/MDS Sciex Instruments*

Of Counsel:

Walter E. Hanley, Jr.

James Galbraith

Lewis V. Popovski

Jeffrey S. Ginsberg

Mark A. Chapman

Huiya Wu

KENYON & KENYON LLP

One Broadway

New York, NY 10004

(212) 425-7200

CERTIFICATE OF SERVICE

I, Karen E. Keller, Esquire hereby certify that on January 12, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

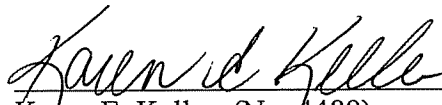
Frederick L. Cottrell, III, Esquire
Kelly E. Farnan, Esquire
RICHARDS, LAYTON & FINGER
One Rodney Square
Wilmington, Delaware 19801

I further certify that on January 12, 2006, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

BY ELECTRONIC MAIL

Wayne L. Stoner, Esquire
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109
wayne.stoner@wilmerhale.com

YOUNG CONAWAY STARGATT & TAYLOR, LLP



Karen E. Keller (No. 4489)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, Delaware 19801
(302) 571-6600
kkeller@ycst.com

Attorneys for Plaintiffs Applera Corporation,
MDS Inc., and Applied Biosystems/MDS Sciex
Instruments